

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ADDISON EXPRESS, LLC

Plaintiff,

v.

MEDWAY AIR AMBULANCE, INC.

Defendant.

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**CIVIL ACTION
MISC CASE NO. 05-154
(Pending in the United States District
Court for the Northern District of
Texas Dallas Division - 3 04CV1954-H)**

AMENDMENT TO OBJECTION AND MOTION TO QUASH SUBPOENA

COMES NOW, Med Air, LLC ("Med Air"), by and through the undersigned counsel, and files this Amendment to Objection and Motion to Quash Subpoena pursuant to FED. R. CIV. PROC. 45, showing this honorable Court the following:

On or about July 21, 2005, Med Air was served with a Subpoena Duces Tecem ("Subpoena") issued by this Court requiring it to produce and permit inspection and copying of certain documents or objects on or before 10:00 a.m. on August 1, 2005. The Subpoena seeks production of certain documents from Med Air, including but not limited to any and all documents relating to the formation, organization and ownership of Med Air, and any and all documents relating to Med Air's ownership of certain aircraft. In addition to the grounds set forth in Med Air's Objection and Motion to Quash Subpoena, Med Air objects and moves this Court to quash the Subpoena because Med Air was not given a reasonable time to comply with the Subpoena.

Pursuant to FED. R. CIV. PROC. 45, Med Air objects to the Subpoena and moves this Court to quash the Subpoena, thus relieving Med Air from its obligation to comply with the Subpoena and from producing the documents sought in the Subpoena. According to FED. R. CIV. PROC. 45 (c)(3)(A)(i), “the court by which a subpoena was issued shall quash or modify the subpoena if it fails to allow reasonable time for compliance.” In the case *sub judice*, Med Air was served with the above referenced subpoena on or about July 21, 2005. However, pursuant to the Subpoena, Med Air was required to produce and permit inspection of the desired objects on or before August 1, 2005, at 10:00 a.m. Specifically, the Subpoena seeks production of certain documents from Med Air, including but not limited to any and all documents relating to the formation, organization and ownership of Med Air, and any and all documents relating to Med Air’s ownership of certain aircraft.

Considering the vagueness and breadth of Plaintiff’s Subpoena, the allotted time frame for production is simply unreasonable. See Traina v. Blanchard, 1998 WL 178762, at 2 (E.D. La. 1998) (holding that six days to produce documents in compliance with a subpoena is unreasonable). As was the situation in Traina, Plaintiff’s subpoena is merely an “attempt to use the Court’s subpoena power to conduct extensive document discovery” and “to circumvent the document discovery procedures provided by [Federal] Rule [of Civil Procedure] 34, particularly in light of the expansive and seemingly irrelevant nature of the documents whose production was sought.” Id.; see also Anderson v. Shell Oil Co. 1996 WL 280792, at 1 (E.D. La. 1996) (finding that plaintiff’s seven day notice of deposition was unreasonable in light of the extensive information requested from defendant corporation). Much like the Traina and Anderson cases,

given the sheer volume of information Plaintiff seeks in its Subpoena, the mere twenty-day notice was unreasonable, and therefore, this Court should quash Plaintiff's Subpoena.

For the foregoing reason, Med Air objects to the inspection or copying of the requested documents and prays that its Objection and Motion to Quash Subpoena be granted.

This 6th day of August, 2005.

Respectfully submitted,



J. MICHAEL MCGARITY

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ATTORNEYS FOR MED AIR, LLC

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CIVIL ACTION

NO. 3 04CV1954-H*

*(Pending in the United States District
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Dallas Division)

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing
AMENDMENT TO OBJECTION AND MOTION TO QUASH SUBPOENA upon
opposing parties in the foregoing case by faxing a copy of this document to Gregory W.
Carboy, attorney for Addison Express, L.L.C., at (214) 672-2020 on August 8, 2005, and
by placing same in an envelope with adequate First Class postage affixed to:

Gregory W. Carboy, Esq.
Cowles & Thompson
901 Main St., Suite 4000
Dallas, Texas 75202-3793

This 14 day of August, 2005.

Respectfully submitted,


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